

## **APPENDIX E**

Summary of New Mexico State and Local Government Authorities  
To Control Pollution of Ground and Surface Waters

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## APPENDIX E. SUMMARY OF NEW MEXICO STATE AND LOCAL GOVERNMENT AUTHORITIES TO CONTROL POLLUTION OF GROUND AND SURFACE WATERS.

DIVISION OF NEW MEXICO STATE GOVERNMENT WITH AUTHORITY TO CONTROL POLLUTION OF WATER	AUTHORIZING AUTHORITY	ADOPTED REGULATIONS, CODES OR PROCEDURES	TYPES OF FACILITIES, ACTIVITIES AND SOURCES OF CONTAMINATION
ENVIRONMENT DEPARTMENT	WATER QUALITY ACT 74-6-1 through 74-6-17 NMSA 1978	Water Quality Control Commission Regulations	Industrial discharges (except oil and gas production/refinement), mining, milling and smelting (except coal mining), agricultural (except those irrigation practices which pose no threat), municipal and private sewage and sludge, spills and leaks
	HAZARDOUS WASTE ACT 74-4-1 through 74-4-14 NMSA 1978	Hazardous Waste Management Regulations	Hazardous waste generation, handling and disposition
	GROUND WATER PROTECTION ACT 74-6B-1 through 74-6B-11 NMSA 1978	Underground Storage Tank Regulations 20 NMAC 5.1-14	Underground storage tanks
	ENVIRONMENT IMPROVEMENT ACT 74-1-1 through 74-1-13 NMSA 1978	Underground Storage Tank Regulations 20 NMAC 5.15-17	Financing cleanups at gasoline stations and other facilities with underground storage tanks
		Liquid Waste Disposal Regulations 20 NMAC 7.3	Residential septic tanks
	RADIATION PROTECTION ACT 74-3-1 through 74-3-16 NMSA 1978	Radiation Protection Regulations	Medical uses of radiation including X-rays
	PUBLIC NUISANCE STATUTE 30-8-1, 30-8-2, and 30-8-8 NMSA 1978	None	Any facility or activity which endangers public health or welfare

**APPENDIX E. SUMMARY OF NEW MEXICO STATE AND LOCAL GOVERNMENT AUTHORITIES  
TO CONTROL POLLUTION OF GROUND AND SURFACE WATERS, CONTINUED.**

<b>DIVISION OF NEW MEXICO STATE GOVERNMENT WITH AUTHORITY TO CONTROL POLLUTION OF WATER</b>	<b>AUTHORIZING AUTHORITY</b>	<b>ADOPTED REGULATIONS, CODES OR PROCEDURES</b>	<b>TYPES OF FACILITIES, ACTIVITIES AND SOURCES OF CONTAMINATION</b>
ENVIRONMENT DEPARTMENT	SOLID WASTE ACT 74-9-1 through 74-9-42 NMSA 1978	Solid Waste Management Regulations - 20 NMAC 9.1	Municipal, industrial, commercial, and residential solid waste disposal
	EMERGENCY MANAGEMENT ACT 74-4B-1 through 74-4B-14 NMSA 1978	Hazardous Materials Emergency Response Plan	Businesses and other facilities which store/sell/ transport hazardous material
STATE ENGINEER OFFICE	STATE ENGINEER 72-2-1 through 72-2-17 NMSA 1978	State Engineer Rules and Regulations Governing Drilling of Wells	General supervision of water Plugging discovery and drill holes
	ARTESIAN WELLS 72-13-4, 72-13-6 NMSA 1978	Appropriations and Use of Ground Water in New Mexico	Drilling casing and plugging artesian wells to prevent commingling
	UNDERGROUND WATERS 72-12-1 through 72-12-28 NMSA 1978	State Engineer Order #25A, 1950	Pumpage control to prevent commingling of polluted and non polluted aquifers
		State Engineer Order #139, 1987	Pollution plume control and recovery wells
	SURFACE WATERS 72-5-1 through 72-5-39 NMSA 1978		
DEPARTMENT OF AGRICULTURE Division of Agricultural and Environmental Services	New Mexico Supreme Court Decision: Heine v. Reynolds, 69 NM 398, 367, P.2d708, 1962	Hearing Orders	Pumpage control to prevent salt water encroachment
	PESTICIDE CONTROL ACT 76-4-1 through 76-4-39 NMSA 1978	Pesticide Regulations 21 NMAC 17.50	Agricultural pesticide application and waste disposal

STATE CORPORATION COMMISSION Pipeline Division	Constitution of the State of New Mexico, Article XI, Sections 1 through 18, NMSA 1978	Rules and Regulations for the Transportation of Natural and other Gas by Pipeline - Minimum Standard	Transportation of petroleum and petroleum products by intrastate transmission pipelines
	PIPELINE SAFETY ACT 70-3-11 through 70-3-20 NMSA 1978	Rules and Regulations of the Corporation Commission of the State of New Mexico Relating to Pipelines Transporting Oil (Order No. 401)	
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT Oil Conservation Division	OIL AND GAS ACT 70-2-1 through 70-2-38 NMSA 1978	Oil Conservation Division Rules and Regulations 19 NMAC 15	Oil and natural gas production, transport, and storage facilities; produced water and drilling fluid disposal; and carbon dioxide facilities
	WATER QUALITY ACT 74-6-1 through 74-6-17 NMSA 1978	Water Quality Control Commission Regulations 20 NMAC 6.2	Oil field servicing and companies; refineries; natural gas processing and transportation; brine production, transport and disposal
	GEOHERMAL RESOURCES CONSERVATION ACT 71-5-1 through 71-5-24 NMSA 1978	Geothermal Resources Rules and Regulations	Geothermal facilities
	SURFACE MINING ACT 69-25A-1 through 69-25A-36 NMSA 1978	Surface Coal Mining Regulations 19 NMAC 8.2	Surface and underground coal mining
Mining and Minerals Division	ABANDONED MINE RECLAMATION ACT 69-25B-1 through 69-25B-12 NMSA 1978	New Mexico Reclamation Plan for Abandoned Mine Lands	Abandoned mines (coal mines and certain other mines)
	NEW MEXICO MINING ACT 69-36-1 through 69-36-20	Mining Act Rules 19 NMAC 10.2	Reclamation of hard rock (non-coal) mines
STATE LAND OFFICE	Constitution of the State of New Mexico, Article XIII		Public trust lands management
	PUBLIC LANDS 19-1-1, 2; 19-6-5, 19-6-3 NMSA 1978	State of New Mexico Land Office Rules and Regulations 19 NMAC 3	Prevention of wasted resource

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STATE CORPORATION COMMISSION State Fire Marshal's Office	FLAMMABLE LIQUIDS STATUTE 59A-52-16 through 59A-52-17, NMSA 1978	State Fire Board Rules and Regulations Relating to Flammable and Combustible Liquids	Transportation, marketing, distribution, handling and use of flammable liquids
Motor Transportation Division	MOTOR CARRIER ACT 65-2-80 through 65-2-127 NMSA 1978	New Mexico Motor Carrier Rules and Regulations Relating to Flammable and Combustible Liquids  Rule 40 - Governing Transportation of Explosives and Inflammables, Section 1	Transportation by motor carrier of hazardous materials including petroleum products
COUNTIES OF THE STATE	SUBDIVISION ACTS 47-5-1 through 47-6-29 3-20-1 through 3-20-16 NMSA 1978	County Subdivision Regulations	Subdivisions, including liquid and solid waste disposal and water supply systems
	ZONING ACT 3-21-1 through 3-21-16 NMSA 1978	County Zoning Regulations	Restrictions on location and use of facilities to promote public health and welfare
	REFUSE ACT 4-56-1 through 4-56-3 NMSA 1978	County Refuse Systems	Collection and disposal of refuse
	COUNTY ORDINANCE ACT 4-37-1 through 4-37-13 NMSA 1978	County Ordinances, and Grant of Same Authorities Granted Municipalities with Certain Exceptions	Landfills, liquid waste systems and other facilities and activities affecting health and safety in counties

MUNICIPALITIES OF THE STATE	PLANNING AND PLATTING; MUNICIPALS SUBDIVISION ACT 3-19-1 through 3-20-16, NMSA 1978	Municipal Planning and Platting and Municipal Subdivision Regulations	Municipal planning and regulations of subdivision within municipal planning jurisdictions
	ZONING ACT 3-21-1 through 3-21-26 NMSA 1978	Municipal Zoning Regulations	Restrictions on location and use of facilities to promote public health and welfare
	HEALTH; CONTROL OF DISEASE 3-43-1 through 3-43-2, NMSA 1978	Municipal Health Codes	Activities affecting public health
	WATER FACILITIES 3-27-1 through 3-27-9 NMSA 1978	Control of Municipal Potable Water Supplies	Protection of municipal water supply sources within and without municipal boundaries
	SEWAGE FACILITIES 3-26-1 through 3-26-3 NMSA 1978	Sanitary Sewer Authorities	Sewage collection, treatment and disposal
	REFUSE ACT 3-48-1 through 3-48-7 NMSA 1978	Authority to Regulate Refuse	Refuse collection and disposal
	POWERS OF MUNICIPALITIES 3-18-1 through 3-18-31 NMSA 1978	Municipal Ordinances	Facilities and activities within the jurisdiction of a municipality